

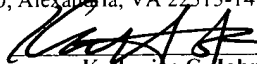
10/022,799
25735

1

IFW 1615



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--------------|---|--|
| ART UNIT: | 1615 | AMENDMENT/RESPONSE CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8 DATE OF DEPOSIT: May 9, 2006 I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  Katherine C. Johnson |
| EXAMINER: | Channavajjala, Lakshmi Sarada | |
| APPLICANT: | Beuford Arlie Bogue | |
| SERIAL NO.: | 10/022,799 | |
| FILED: | 12/20/01 | |
| CONFRM. NO.: | 4794 | |
| FOR: | MICRO- AND NANO-PARTICULATE DRUGS AND METHODS OF MAKING THEREOF | |

THORPE NORTH & WESTERN, LLP
8180 South 700 East, Suite 200
Sandy, Utah 84070

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT
RESPONSE UNDER 37 C.F.R. § 1.111**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment dated April 21, 2006, regarding the response to Office Action mailed January 10, 2006, please enter the amendments and remarks provided below and reconsider the patent application in view thereof. A petition for a one month extension of time and the appropriate fee therefore are enclosed herewith.

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

An in-person interview was held with Examiner Channavajjala, Examiner Kishore, Examiner Low, and Applicant's representatives Dr. Phanesh Koneru, and Mr. David Osborne. During the interview, pending Claims 18-20 and 22-31 were discussed in view of WO 99/40943. Discussed the teaching in the reference that heating the drug and surfactant mixture to too high a temperature is undesirable as it can cause over-saturation and therefore result in unwanted precipitation of drug. Applicant's representative pointed out that such statements actually teach away from the present invention.

Examiner Channavajjala suggested a number of amendments to the independent claim that would help clarify the invention, such as additional statements to the process elements and the product form produced by the process, and further suggested several amendments for the dependent claims.